



UNITED STATES MARINE CORPS

2D MARINE LOGISTICS GROUP
II MARINE EXPEDITIONARY FORCE
PSC BOX 20002
CAMP LEJEUNE NC 28542-0002

5830
Legal
2 Nov 16

From: [REDACTED]
To: Commanding General

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING THE ALLEGED ADULTEROUS RELATIONSHIP BETWEEN
[REDACTED]

Ref: (a) JAGINST 5800.7F (JAGMAN)
(b) North Carolina General Statute, Article 2
(c) MCBul 1700
(d) Article 134 (Adultery) UCMJ
(e) Article 134 (Communicating a Threat) UCMJ
(f) Article 134 (Obstructing Justice) UCMJ

Encl: (1) Chief of Staff, 2d Marine Logistics Group letter of 4
October 2016
(2) Marine Corps Total Force System Basic Individual Record for
[REDACTED] dated 4 October 2016
(3) Published biography of [REDACTED]
(4) Dependency Application for [REDACTED]
dated 8 December 2014.
(5) Statement of [REDACTED]
(6) [REDACTED]
(7) Statement of [REDACTED]
(8) [REDACTED]
(9) [REDACTED]
(10) Paternity Test Results from Onslow County Child Support
Enforcement
(11) Proposed Non-Disclosure Agreement from [REDACTED]
[REDACTED]
(12) Memorandum for the Record from [REDACTED]
dated 28 October 2016
(13) Cellular Phone Screen Shots
(14) Onslow County Sheriff's Office Incident/Investigation
Report of 30 September 2016.
(15) Statement of [REDACTED]
(16) [REDACTED] Review
(17) American Counseling Association 2014 Code of Ethics
(18) Statement of [REDACTED]
(19) Statement of [REDACTED]
(20) Statement of [REDACTED]
(21) Statement of [REDACTED]
(22) [REDACTED] Article 31(b) Warnings of 11 Oct 16

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(23) [REDACTED] Birth Certificate

PRELIMINARY STATEMENT

1. In accordance with the references and as directed by enclosure (1), a command investigation was conducted to investigate the circumstances surrounding the alleged adulterous relationship between [REDACTED] and [REDACTED].
2. All reasonably available evidence was collected, and each directive of the convening authority has been met.
3. Prior to his interview, [REDACTED] received Article 31(b) rights, which he elected to waive [enclosure (22)]. Although [REDACTED] did not provide a written statement, he reviewed the summary of interview contained within enclosure (12) and informed the Investigating Officer that it was an accurate summary of the interview.
4. [REDACTED] retains the original audio recordings of conversations she had with [REDACTED]. A summary of select recordings is provided in enclosure (12).
5. [REDACTED] name is not listed on [REDACTED] birth certificate [enclosure (23)]. Per § 49-10 of reference (b), the putative father of any child born out of wedlock must petition a court for legitimation of the child. A new birth certificate containing the names of the father, mother, and child will be issued if the court determines that the petitioner is the biological father. [REDACTED] has not petitioned the court for legitimation of [REDACTED].
6. [REDACTED]. The [REDACTED] is a Department of Defense (DoD) funded program, via contractors, implemented by the Marine Corps. Commanders "do not provide performance evaluations, nor perform other administrative requirements for [REDACTED]" and "[REDACTED] personnel are under the direct supervision and control of the DoD contractor." Accordingly, the command's relationship to the [REDACTED] is that of a customer. See reference (c).
7. The following conflicts in evidence exist.
 - a. [REDACTED] provided that [REDACTED] always knew he was married. According to [REDACTED] she first discovered his true marital status in November 2015, a month after they began having a sexual relationship.

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b. [REDACTED] provided that he maintained a friendship with [REDACTED] that occasionally involved sexual intercourse, but it was not dating. [REDACTED] characterized their relationship as dating.

c. [REDACTED] denies ever verbally or physically threatening [REDACTED] and he provided that he is seeking a restraining order against [REDACTED] because she frequently threatened him with exposing both their relationship and the paternity of her child to the command. According to [REDACTED], [REDACTED] threatened her regarding aborting two pregnancies, a civil child support claim, and that he would take everything from her if she reported the nature of their relationship. [REDACTED] is also seeking a restraining order.

d. [REDACTED] inferred that he and [REDACTED] had a counsellor / counselee relationship. [REDACTED] states that no counsellor / counselee relationship existed between her and [REDACTED]

8. As discussed more fully below, [REDACTED] was credible and candid during her discussions with the Investigating Officer. Moreover, her description of the fear she feels around [REDACTED] appears genuine. However, there is little to no corroborating evidence to many of the specific allegations raised by [REDACTED] against [REDACTED]. As a result, the above conflicts are resolved as follows:

a. There is insufficient evidence to determine whether [REDACTED]'s marital status was known to [REDACTED] prior to November 2015.

b. There is sufficient evidence to demonstrate that [REDACTED] and [REDACTED] were in a dating relationship. However, [REDACTED] may truly and subjectively believe that this was a friendship with sexual benefits.

c. There is insufficient evidence to substantiate that either party made threats to the other.

d. There is sufficient evidence to demonstrate that no counsellor / counselee relationship existed between [REDACTED] and [REDACTED]

9. Any personal information was obtained from service record books.

10. [REDACTED] was consulted by the Investigating Officer throughout the course of this investigation.

11. Per reference (d), the crime of adultery has three elements:

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a. That the accused wrongfully had sexual intercourse with someone;

b. That, at the time, the accused was married to another; and

c. That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline or of a nature to bring discredit upon the armed forces.

12. Per reference (e), the crime of communicating a threat has five elements:

a. That the accused communicated certain language;

b. That the communication was made known to another;

c. That the language used by the accused under the circumstances amounted to a threat, that is, a clear present determination or intent to injure the person, property, or reputation of the person threatened;

d. That the communication was wrongful; and

e. That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline or of a nature to bring discredit upon the armed forces.

13. Per reference (f), the crime of obstructing justice has four elements:

a. That the accused wrongfully did a certain act(s);

b. That the accused did so in the case of himself, against whom the accused had reason to believe there were or would be criminal proceedings pending;

c. That the act(s) were done with the intent to influence or impede the due administration of justice; and

d. That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline or of a nature to bring discredit upon the armed forces.

FINDINGS OF FACT

1. [REDACTED] [encl
(2)]

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- [REDACTED]
2. [REDACTED] was appointed the [REDACTED] in December 2014.
[encl (2),(3)]
 3. [REDACTED] is married to [REDACTED]. [encl (2),(4)]
 4. [REDACTED] Marine Corps Total Force System (MCTFS) information and Dependency Application reflect one dependent, [REDACTED]
[REDACTED] [encl (2),(4)]
 5. [REDACTED] is a geographical bachelor and resides at [REDACTED]
[REDACTED] His wife resides at [REDACTED]
[REDACTED] [encl (2),(4)]
 6. [REDACTED] is a [REDACTED] with
[REDACTED]
 7. [REDACTED] is single, has never been married, and resides at [REDACTED]
[REDACTED] [encl (7),(10),(14)]
 8. [REDACTED] first served as a [REDACTED]
for [REDACTED] from 7 February 2015 to 15
January 2016, for [REDACTED] from 16
January 2016 to 10 June 2016, and for [REDACTED] from 18
August 2016 to the present. [encl (8)]
 9. The [REDACTED] provides confidential help, short term, problem
solving counseling services for members of the active and reserve
components and their families world-wide. [encl (9)]
 10. The [REDACTED] is a non-personal services contract; therefore
the government does not direct or supervise the [REDACTED]. [REDACTED] are under
supervision and control of the contractor. [encl (9)]
 11. The [REDACTED] receives annual training on military culture to include
chain of command, rates/ranks and insignia, and other specialized
subject areas. [encl (9)]
 12. According to [REDACTED], she first met [REDACTED] in February
or March 2015 during a Commanding General Prevention Huddle meeting.
[encl (7)]
 13. [REDACTED] provided that within weeks of their initial meeting,
[REDACTED] came to her office and requested that a First Sergeant
or duty unlock it when he discovered she was not there; however,
neither had a key. [encl (7)]

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14. Thereafter, while [REDACTED] was still the [REDACTED], [REDACTED] met with [REDACTED] in her office to discuss the [REDACTED] and specific trends. [encl (7)]

15. According to [REDACTED], this three hour meeting ended with [REDACTED] steering the conversation toward personal matters. [encl (7)]

16. [REDACTED] provided that, in approximately May or June 2015, she and [REDACTED] began a friendship outside work. [encl (7)]

17. According to [REDACTED], the friendship developed into a dating relationship in May or June 2015, and the two had several dates in Jacksonville and New Bern, NC. [encl (7)]

18. Around June or July 2015, [REDACTED] provided that [REDACTED] made her feel uncomfortable because he would consume alcohol at her residence, use intoxication as an excuse to stay the night, and try to elevate their relationship physically. [encl (7)]

19. In response, [REDACTED] indicated that she began to decline requests for dates and visits to her home. [encl (7)]

20. [REDACTED] believes this resulted in [REDACTED] biking to her home during his morning PT, text or call her at around 0500 that he was "in her area," and would also request rides home because he had a flat tire or was too tired to bike home. [encl (7)]

21. Due to these bike rides, [REDACTED] informed [REDACTED] that they should limit their contact. [encl (7)]

22. In August 2015, [REDACTED] began experiencing both health and home issues, and [REDACTED] accepted [REDACTED]'s offers to assist her. [encl (7)]

23. In September 2015, [REDACTED] provided that the dating relationship began again at [REDACTED]'s request. [encl (7)]

24. According to [REDACTED], she was hospitalized on 13 September 2015 due to an [REDACTED]. [encl (7)]

25. [REDACTED] provided that [REDACTED] visited her everyday while she was hospitalized, and upon her release, [REDACTED] visited her almost daily as she was incapable of driving or conducting simple tasks due to her medications. [encl (7)]

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26. Based upon [REDACTED]'s assistance during this period, [REDACTED] believed she misjudged his conduct during June or July 2015. [encl (7)]

27. Beginning on 9 October 2015, [REDACTED] provides that she and [REDACTED] began a sexual relationship. [encl (7)]

28. According to [REDACTED], [REDACTED] always refused to wear a condom. [encl (7)]

29. In early November 2015, [REDACTED] discovered she was pregnant, and she believes that the child was conceived in either October or November 2015. [encl (7)]

30. Upon telling [REDACTED] of the pregnancy, [REDACTED] recalled he was excited but then nervous due to his age and the fact that he had two step sons from a "previous relationship." [encl (7)]

31. According to [REDACTED], [REDACTED] eventually requested that she have an abortion, and she refused. [encl (7)]

32. [REDACTED] and [REDACTED] both attended the November 2015 [REDACTED] Marine Corps Birthday Ball, and [REDACTED] believes [REDACTED] arranged for her to sit next to him at the command table. [encl (7)]

33. At the ball, they socialized and danced together; afterward, they shared a hotel room in Greenville, NC. [encl (7), (12)]

34. According to [REDACTED], they had sexual intercourse while staying in the hotel, in Greenville, North Carolina. [encl (12)]

35. During his interview, [REDACTED] described his relationship with [REDACTED] as both a counselor / counselee and a friendship that became intimate and sexual at times, but it was not a dating relationship. [encl (12)]

36. Upon questioning regarding whether he ever represented himself as being single, [REDACTED] provided that [REDACTED] always knew he was married. [encl (12)]

37. [REDACTED] writes in her statement: "At no time did [REDACTED] mention he was married, did he wear a wedding ring, have a picture of his wife in his office during 2015, or have a picture of his wife in his home in 2015; there was also no mention of her in his biography." [encl (3), (7), (12), (21)]

38. [REDACTED]'s biography does not indicate whether he is married or has children. [encl (3)]

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39. During November 2015, [REDACTED] provided she became suspicious that [REDACTED] was seeing someone else. [encl (7)]

40. [REDACTED]'s suspicion arose due to learning [REDACTED] attended the 2015 [REDACTED] Marine Corps Birthday Ball with another woman, and his instruction to only call him on his Blackberry. [encl (7)]

41. [REDACTED] recalled that when she confronted [REDACTED] on the matter, he initially provided that he was legally separated, that he intended to end the relationship with his spouse, and that his mother-in-law's passing prolonged the resolution. [encl (7)]

42. According to [REDACTED], [REDACTED] asked her to not end their relationship. [encl (7)]

43. During his interview, [REDACTED] provided that his relationship with [REDACTED] affected his marriage, but his priority was to keep and maintain his marriage. [encl (12)]

44. According to [REDACTED] in February or March of 2016, she recalled that rumors began circulating that [REDACTED] was the biological father. [encl (7)]

45. [REDACTED] alleged that [REDACTED] instructed her to lie if questioned by her employer regarding the paternity of her unborn child. [encl (7)]

46. On [REDACTED], [REDACTED] gave birth to [REDACTED]. [encl (7), (10)]

47. According to a paternity test conducted by Onslow County Child Support Enforcement, [REDACTED] is the father. [encl (10), (12)]

48. Upon the Investigating Officer providing [REDACTED] a copy of the paternity test, [REDACTED] confirmed that he was the father. [encl (10), (12)]

49. According to [REDACTED], he was present at the hospital when [REDACTED] was born on [REDACTED]. [encl (12)]

50. In July 2016, [REDACTED] informed [REDACTED] that she was seeking child support via a civilian court hearing. [encl (7)]

51. In July or August 2016, [REDACTED] again became pregnant, and [REDACTED] requested that she get an abortion; however, this resulted in a failed pregnancy in August or September 2016. [encl (7)]

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52. According to [REDACTED], [REDACTED] second pregnancy was a result of them having sexual intercourse during this timeframe. [encl (12)]

53. In August 2016, [REDACTED] emailed [REDACTED] a Non-Disclosure Agreement, providing, in relevant part, that [REDACTED] agreed to make monthly child support payments in the amount of \$450.00 and that the parties shall maintain confidential information. [encl (7), (11), (12)]

54. The Non-Disclosure Agreement was sent by [REDACTED] and [REDACTED] admitted sending the Non-Disclosure Agreement in his interview with the Investigating Officer. [encl (11), (12)]

55. According to [REDACTED], [REDACTED] became emotionally abusive and physically aggressive when she refused to sign the Non-Disclosure Agreement and accept \$450.00 per month as adequate child support. [encl (7)]

56. According to [REDACTED], [REDACTED] threatened to "take everything from her" if she informed his command of their relationship, pushed her forehead with his finger, and informed her that she would not be able to feed her son. [encl (5), (7), (12)]

57. On 30 August 2016, [REDACTED] alleges that she and [REDACTED] got into a verbal altercation at her residence, and she drove to 2d Marine Logistics Group (2d MLG) in order to report her involvement with [REDACTED] to the Officer of the Day (OOD). [encl (7)]

58. Upon arriving at the parking circle in front of 2d MLG, [REDACTED] informed the Command Duty Officer (CDO), [REDACTED] that she did not feel safe, she thought she was being followed, and that she would be right back. [encl (7), (19)]

59. According to [REDACTED], two minutes after [REDACTED] (who never identified herself) departed, [REDACTED] pulled into the parking circle. [encl (19)]

60. In response to [REDACTED]'s question as to how the evening was going, [REDACTED] informed [REDACTED] "A lady just pulled in wanting to make a complaint and thought she was being followed; I initially thought you were the one following her since you pulled in right after she left." [encl (19)]

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According to the CDO, the unidentified woman never returned, but reported the incident the following morning to the Chief of Staff, JG. [encl (19)]

denied ever physically or verbally threatening [REDACTED]
[encl (12)]

2d MLG, received a phone call from [REDACTED] that he heard a run

Thereafter, [REDACTED] informed [REDACTED] of the rumor and asked he look into the rumor, but there was no further discussion. (20)

[REDACTED] superior, provided that an anonymous government customer contacted her on 27 September 2016 due to concerns that [REDACTED] and [REDACTED] had a child together, which could have a negative impact on the [REDACTED] [encl (5)]

According to [REDACTED], she informed [REDACTED] on 28 September that she had a scheduled meeting with her employer on 30 September 2016 to discuss their alleged relationship. [encl (7)]

According to [REDACTED], [REDACTED] instructed her to lie regarding their relationship, which she refused. [encl (7)]

On 30 September 2016, [REDACTED] revealed to [REDACTED] that [REDACTED] had a relationship with [REDACTED] [encl (5)]

Following the meeting, [REDACTED] alleges that she received a call from [REDACTED] accusing her of trying to ruin his career. [encl (7)]

At approximately 1850, [REDACTED] again called [REDACTED] and informed her that his wife wanted to speak with her. [encl (7)]

██████████'s wife and informed ██████████ that she was going to have ██████████
██████████ license revoked for sleeping with her clients. [encl (7)]

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73. According to [REDACTED], she received another phone call from [REDACTED] at approximately 1943. [encl (7)]

74. During this phone call, [REDACTED] believes [REDACTED] and the woman identified as his wife sounded intoxicated. [encl (7)]

75. [REDACTED] recalled that the other woman threatened to "beat her ass" when she came to base the following Monday. [encl (7)]

76. The evening of 30 September 2016, [REDACTED] entered the 2d MLG headquarters building with [REDACTED] and reported to the CDO, [REDACTED] that [REDACTED] was the father of her son. [encl (7),(15)]

77. On 30 September 2016, [REDACTED] contacted the Onslow County Sherriff's Department to report that [REDACTED] had been making harassing phone calls to her, and that his wife had communicated a threat to her. [encl (7),(14),(21)]

78. A Quality Care Review was performed on [REDACTED] on 2 October 2016, by Government Services, [REDACTED] to determine if there were any violations of the National Association of Social Workers (NASW) Code of Ethics. [encl (5),(16),(17)]

79. The Quality Care Review on [REDACTED] concluded that there was no conflict of interest and no clinical quality issue was found. [encl (5),(16)]

80. According to the summary of the Quality Care Review, [REDACTED] is considering re-aligning [REDACTED] to a different assignment. [encl (5),(16)]

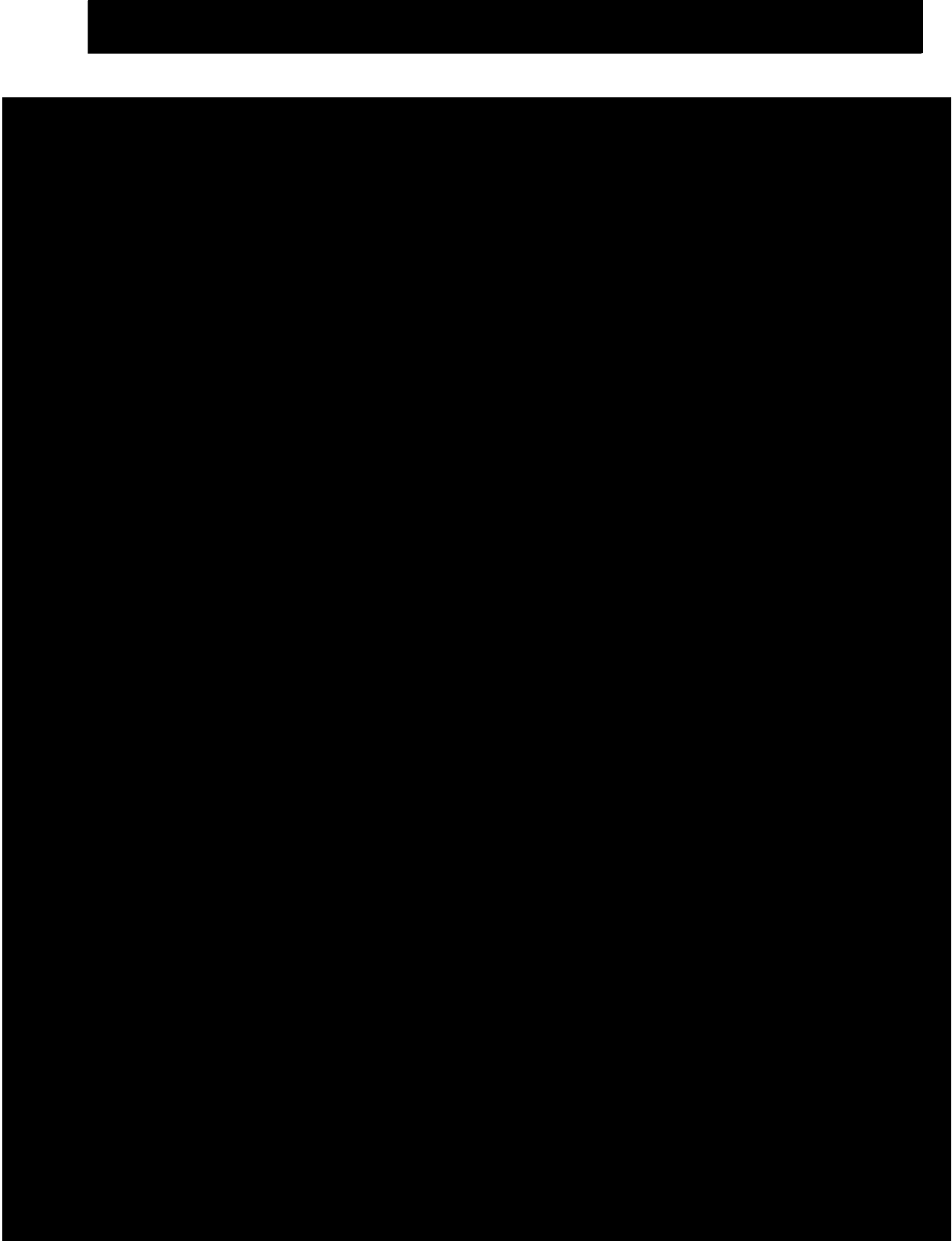
81. [REDACTED] has paid the following child support payments to [REDACTED] \$450 in July 2016, \$450 in August 2016, \$625 in September 2016. [encl (12)]

82. [REDACTED] has not added [REDACTED] as a dependent in MCTFS. [encl (2)]

83. [REDACTED] has not enrolled [REDACTED] as a dependent in DEERS. [encl (4)]

OPINIONS

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[REDACTED]

[REDACTED]

RECOMMENDATIONS

[REDACTED]

[REDACTED]

[REDACTED]